With the compliments of the Author.

11

OBSERVATIONS

ON

SOME OF THE CAUSES OF

INFANTICIDE.

BY

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[Read before the Members of the MANCHESTER STATISTICAL SOCIETY, January 14th, 1863.]

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MANCHESTER STATISTICAL SOCIETY.

Observations on some of the Causes of Infanticide.

By George Greaves, M.R.C.S., &c.

[Read January 14th, 1863.]

An opinion, frequently of late expressed by those who ought to know the truth, has gained pretty general credence, that child-murder and the cognate offences are becoming more frequent in this country, and that, numerous as are the cases which are detected, those which escape discovery are still more numerous.

It is no part of my present purpose to inquire into the truth of this belief. Were it shown that such crimes are even less frequent than they were ten or twenty years since, the thoughts which I wish to present to the Society would retain all their gravity. And I am less anxious to prove the correctness of the opinion, so far as it has reference to acts hitherto recognised as criminal, because I believe myself to be in a position to prove that, in forms not so recognised, either by the law or by public opinion, prolicide* prevails to a fearful extent, and that society, by some of its customs, and still more by the want of sound principles, which produces those customs, not very indirectly sanctions, and even instigates, the commission of the offences which it occasionally punishes with great severity. The consideration of the subject will, in short, if I am not very much mistaken, conduct us to the belief that there is, more or less per-

* Prolicide, the criminal destruction of offspring, includes Fœticide and Infanticide.

vading all ranks of society, far too low an estimate of the sanctity of fœtal and infantile life, and that, until a better tone of public feeling prevails, we shall in vain endeavour, by penal enactments, to prevent the crimes which, from time to time, disgrace humanity.

In proof of these very grave assertions, I would first direct attention to the state of the criminal law of this country, as bearing on the crime of infanticide. I venture to express an opinion that the law, as interpreted by those who administer it, has practically, for many years, tended but little to check the commission of this crime, notwithstanding the immense superiority in this respect of Christian legislation to that of heathen nations, in ancient and modern times. In this, as in some other things, our practice comes short of our principles. There is no point in which the jurisprudence of Christian countries contrasts more favourably with that of heathen nations than in the value attached to the life of young children, or of unborn infants. Among the most polished nations of antiquity, infanticide and abortion-procuring were universally practised, and were defended by some of their most celebrated writers, such as Plato, Aristotle, and the elder Pliny. In some states the exposure of infants, born feeble or deformed, was commanded by law. With the spread of Christianity better principles prevailed. The early fathers were loud in their denunciations of this practice, as well as of that of the procuring of abortion; and soon after the empire became Christian, such acts were expressly declared to be criminal, and punishable as murder. At the present time there is, perhaps, no heathen people by whom these crimes are not sanctioned, and they are said to be extensively practised, and not to be forbidden by any law, in Mohametan countries.*

In the middle ages, the enactments of various nations against the crimes in question partook of the severe and cruel character of their criminal jurisprudence generally, and most barbarous punishments were inflicted on those found guilty of them. Our own country was, in this respect, little in advance of other nations; and so late as the reign of James the First, a law was passed which made the conceal-

* See Appendix A.

ment of the body of an illegitimate child a presumption of murder, and punishable as such. Under this statute, which continued in force until the year 1803, there can be no doubt that many women underwent capital punishment, whose sole offence had been that of endeavouring to hide their shame by secretly burying, or otherwise disposing of, the body of a child which had died from natural causes, before or immediately after its birth. To understand how great the shame was, and the consequent force of the motives for concealment, we must remember that the censures of the Church and public ecclesiastical penance were, up to a comparatively recent period, attached to the discovery of unchastity. The description of the trial of Effie Deans, in the "Heart of Midlothian," is no exaggerated picture of the heart-rending scenes which so harsh a law must frequently have caused.

The close of the last, and the earlier years of the present century, were honourably distinguished by a great amelioration of the criminal law of this country. An extraordinary amount of sympathy then began to be shown for criminals, and persons accused of crimes, and, as is usually the case, the public mind, once aroused, speedily rushed from the extreme of indifference to that of over-sensitiveness. The law of James, which so high an authority as Blackstone had long before declared to "savour strongly of severity," was in 1803 repealed, and an Act substituted for it which decreed that a woman charged with child-murder should be tried by the same rules of evidence and presumption as by law are allowed to take place in other trials of murder, and that, if acquitted of murder, she might be punished for the concealment of the birth of the child, presumed to be still-born, by imprisonment for a term not exceeding two years. Not content, however, with this great mitigation of the law, the lawyers appear to have vied with each other in trying to make a conviction impossible, under even the milder statute substituted for the harsh law of James the First. Under the influence of the exaggerated sympathy for criminals then and still existing, and of a mistaken and far too sweeping application of the statements contained in the celebrated work of Dr. Wm. Hunter—"On the uncertainty of the signs of Murder, in the case of Bastard Children," new and unheard of rules

of law were laid down, which, to ordinary minds, appear not only to contravene the terms of the statute, and to ignore the plainest physiological facts, but to set at defiance the rules of logic and of common sense.

The intentional killing of an infant is still murder, and is punishable with death; and, as has been said, the statute decrees that the charge shall be tried by the same rules of evidence and presumption as other charges of murder. But, practically, the case is tried by other rules of evidence. The practice of the Criminal Courts, as decided by frequent rulings of the Judges, is thus stated in Archbold, one of the best and latest authorities:—"The person killed must be a reasonable creature in being, and under the king's peace. Therefore, to kill a child in its mother's womb is not murder; but if the child be born alive, and die by reason of the potion or bruises it received in the womb, it may be murder in the person who administered or gave them. So, if a mortal wound be given to a child while in the act of being born, for instance upon the head, so soon as the head appears, and before the child has breathed, it may be murder, if the child is afterwards born alive and dies thereof. *But it must be proved that the entire child has actually been born into the world in a living state, and the fact of its having breathed is not a conclusive proof thereof. There must be an independent circulation in the child before it can be accounted alive. But the fact of the child's being still connected with the mother by the umbilical cord will not prevent the killing from being murder.* As to the words 'under the king's peace,' in the definition of murder, they mean merely that it is not murder to kill an alien enemy in time of war."*

The unscientific character of these decisions is patent to every person possessed of the slightest knowledge of physiology. From the moment that circulation exists in the embryo or fœtus, that circulation is independent of that of the mother; being maintained by forces inherent in the body of the new being. During its uterine life, it is dependent on the mother for the performance of the func-

* Archbold's "Pleading and Evidence in Criminal Cases." 14th Edition, pp. 529-530.

tions of nutrition and respiration, but at an early period of the process of parturition, by which the child is expelled from the parent's body, that degree of dependence also ceases, and it has, frequently, before its entire birth, an existence as independent of the mother as a child a month old. It may, while still only partially born, breathe, cry, and move its limbs vigorously, and yet is not, in the eye of the law, "a reasonable creature in being."

The evidently paradoxical character of this declaration has led to a distinction between *medical* and *legal* life. In trying a case in which a child was found with its head nearly severed from its body, and in which the medical evidence clearly proved that the child had respired, a learned Judge directed the Jury that, before they returned a verdict of guilty, they must be satisfied that the child was completely born; otherwise, "it might *medically* be a living child, but it was not one *legally*."* Of course the Jury acquitted the prisoner. Therefore it is, in the eye of the law of England, no crime to strangle a child with a cord, to smash its skull with a hammer, or to cut its throat from ear to ear, the child being at the time in every sense of the word, except the legal sense, fully alive, because its lower extremities are at the time within the body of the mother. The *locus in quo* of a part of the victim constitutes the sole difference between an atrocious crime and an act to which no shade ef criminality attaches. I have no wish to speak disrespectfully of the Judges—some of them among the greatest ornaments of the English Bench—on whose rulings these monstrous conclusions have been founded. They have been led—*misled*, I venture to think—by an erroneous and very exaggerated appreciation of the dangers to which a child is subjected in the act of birth. They have, perhaps, unconsciously been influenced by a feeling that the law of England is still too severe in attaching, in every case, capital punishment to the crime of infanticide. Some of them may equally unconsciously have been influenced by the exaggerated sympathy for criminals to which allusion has already been made, But, however the fact is to be explained, the result remains that, in an immense

* Taylor's "Medical Jurisprudence." 6th Edition, p. 469.

proportion of instances, child-murder, as murder, practically goes unpunished. Medical evidence, although able to furnish abundant proof that the child was living when the alleged act of violence was committed, cannot, as is evident from the nature of the case, show its exact relative position to the body of the mother. Other evidence is of course usually wanting, and consequently, as Professor Taylor has said—"If positive proof of *entire live birth* be in all cases rigorously demanded on trials for child-murder, it is scarcely possible, when the prisoner is ably defended, that any conviction for the crime should take place." "The numerous acquittals," he adds, "that take place on trials for this crime, in face of the strongest medical evidence, bear out the correctness of this opinion. The child is proved to have lived and breathed, but the medical evidence fails to show that the living and breathing took place or continued after entire delivery."

As ordinary minds cannot understand the subtleties of the question, and least of all the nice distinction between medical and legal life, the impression necessarily produced on the public mind is, that the law does not extend its protection to children unborn, or only partially born, and that any amount of injury may with impunity be inflicted upon them, *provided that injury is sufficient to at once destroy life.* This last qualification is important. As has already been shown, if injuries be criminally inflicted on a child during birth, and the child be born alive, and afterwards die from the injuries so caused, the person who inflicted them is liable to punishment as a murderer. To insure impunity the deed must not be done by halves.

Some verdicts given on trials for child-murder have been such as almost to exceed belief. In one case tried at Lancaster in 1846,* the prisoner confessed that a circular wound in the throat, by which portions of the gullet and wind-pipe had been removed, had been inflicted by herself, on the body of the child which she alleged had been still-born. The instrument which she said she had used was found in her pocket. The medical witness swore that the child had breathed, and was, therefore, alive at the time of birth, but he could not say whether, when the wound was inflicted, the body was entirely

* Taylor's "Medical Jurisprudence." 6th Edition, p. 528.

in the world or not. It being necessary to prove that it was entirely born, the prisoner was acquitted. The forms of law probably forbade the inquiry what motive could possibly lead a woman thus to mutilate the body of her still-born child. Common sense rejects, as a monstrous improbability, the allegation that she had so mutilated it, and she need not have made it. It would have been an equally good defence, in law, had the woman alleged that, with her own hands, or by the aid of another, she had, when the head and shoulders only of the child were born, made the wound in its throat. The case would have been dramatically complete, had (we must not say the accessory, but) the assistant come forward to swear that the child was only partially born when the operation on its throat was performed.

If the law as interpreted by the Judges is thus inefficient, its administration is still more lax. Juries are only too ready to go in the direction indicated, and, in spite of the strongest evidence of a criminal intention, to find the prisoner guilty of the minor offence of concealment only. And perhaps the feelings which influence them, in thus acting, are not all blameworthy. The extenuating circumstances are doubtless numerous and weighty; the motives for concealment powerful. The combined effect of physical suffering, of dread of shame, of want of common necessaries, may, in a young woman not duly influenced by moral and religious principle, produce a state of desperation which, although it fall far short of the state of mind which removes moral responsibility, is equally remote from the set purpose implied in the idea of murder. Would not a verdict of manslaughter, as in other cases in which homicide is committed from sudden impulse, much better meet the requirements of justice, and relieve both Judges and Juries from the temptation to permit an atrocious crime to go almost unpunished?

One further consideration which doubtless weighs with Juries is, that the law, besides being too severe, is unequal in its operation. The enactments of law and the customs of society permit him, who has frequently been the deliberate seducer of the woman, and sometimes *particeps criminis* in at least suggesting the killing of the child, to go scatheless. But of this more anon. Still, weighty as these different motives for clemency

may be, I cannot but think that were Jurymen sufficiently impressed with the sacredness of life, even of the life of an unborn infant, they would not so tamper with the solemn duty they have to perform.

It may be said that the impunity of the woman is not usually complete: that the law does attach a penalty to the commission of these crimes. A prisoner tried for infanticide, and acquitted, may be found guilty of "concealment of birth," which is a misdemeanour, punishable with, at the utmost, two years' imprisonment. This is the verdict usually brought in; and practically, the crime of child-murder is now visited with imprisonment for a few months. The impunity would, however, be total, and an act of deliberate murder might go utterly unpunished, if, after using means for the destruction of her child which should leave no traces, a woman should produce its body, as that of one of which she had been delivered unexpectedly, when at a distance from help, and which had died during birth. But, slight as the punishment usually is for "concealment of birth," such is the amount of misplaced sympathy displayed in such trials, that, in spite even of strong evidence of a more serious crime, acquittal of the minor charge often takes place.

But the law may fail of its purpose in another way. Before crime can be punished, it must be detected. Commitment for trial must precede conviction. The Police courts and Coroners' courts must do their duty. How they do it is a very difficult question, and one on which I feel scarcely competent to give an opinion; the data on which to form one are not sufficient. The information which I have been able to procure seems to evince great differences in the rules of evidence by which the Coroners' courts are guided. From a return, recently moved for in Parliament, it appears that, of 1,104 children under two years of age, on whom inquests were held, in the metropolitan districts, in 1861, 64 (nearly six per cent.) were declared to have been murdered. In the year 1862, Dr. Lankester, one of the Coroners for Middlesex, informs me that, in six months, he held inquests on 540 children, on 31 of whom a verdict of infanticide was given,—also about six per cent. In this neighbourhood, however, it has been very different. The Coroners for this city and the surrounding district have kindly furnished me with returns, from which I learn

that they held inquests, in 1861, on the bodies of 176 children, aged two years and under, and that three verdicts only of wilful murder were given. This is less than two per cent. How are we to account for this enormous difference? I do not believe that it arises from any deficiency on the part of the Coroners themselves, in respect of either intelligence, experience, or zeal in the performance of their duties. Is it that Lancashire Juries are less chary of infant life than those of the Metropolis, and, to save themselves trouble, are too ready to pronounce a verdict of death from natural causes, when a little more inquiry, and an adjournment to procure medical evidence, might lead to a very different result? It is here, I believe, if anywhere, that the failure of justice occurs. But a Coroner can scarcely be expected to order a *post-mortem* inspection when he can possibly avoid it, liable as he is to be blamed for what is thought to be needless expenditure in procuring evidence. The verdicts given, if compared with the ages of the children, must give rise, if carefully considered, to very unpleasant suspicions. Of the large number (118) declared to have died from natural causes, or disease, 41 were said, by the parents, to have been found dead in bed. Knowing as we do how easy it is to extinguish the life of an infant by smothering, it is difficult not to suspect that, however the external signs of such a mode of death were wanting to ordinary observation, the internal appearances would, if sought for, have been found; and that some, at least, of these children were intentionally smothered. A Coroner in the metropolis is reported, recently, to have said that, of the cases of infants *accidentally* smothered in bed, a large majority occurred in the colder months of the year; and that the accident commonly arose from the injudicious anxiety of parents to keep their children warm. In Manchester, however, quite as many of such cases appear to occur in the six warmer months as in the other portion of the year.

The inquests in the city of Manchester and the surrounding districts in the year 1861, on infants of two years of age and under, were 176; and the following verdicts were given:—

Wilful murder	3
Natural causes	85
Disease (chiefly convulsions)	33
Accidental suffocation	11
" scalds or burns	24
" drowning	2
" over-dose of medicine	2
Other accidents	6
Found dead	10
	176

Their ages were—

New-born	13
1 to 7 days	4
7 " 14 "	1
14 days to 1 month	10
1 to 3 months	44
3 " 6 "	29
6 " 9 "	20
9 " 12 "	14
12 " 18 "	24
18 " 24 "	17
	176

Of the three instances in which a verdict of "wilful murder" was returned, not one led to any further proceedings,—the police having failed in obtaining such evidence as would have justified an indictment against any individual. It will, perhaps, be asked, were there no indictments for the minor offence of concealment of birth? Unquestionably, the birth of a considerable number of the children on whom inquests were held was concealed. In the city of Manchester, one woman was indicted for this offence, and, on conviction, was sentenced to six months' imprisonment. In the Manchester division of the county there was also one such indictment, and the prisoner was acquitted.

No allusion has yet been made to one mode in which great facility is given for the safe commission of child-murder. The law takes no

cognizance of still-born children. There is no registration of the birth of children alleged to be so born. They are interred, usually in a church-yard or cemetery, but without funeral rites; and the sexton, or other person having charge of the ground, *may* require a certificate, from a surgeon or midwife, that such was the mode of birth; but I am not aware that any general or local law requires him to demand it. At a late meeting of the Social Science Association, Lord Shaftesbury is reported to have said that 60,000 children are annually still-born (or alleged to be still-born), in this country. The total births in 1858 (exclusive of still-born), were 655,481. Does the experience of any obstetric practitioner lead him to believe that one child in every ten is still-born? Dr. Farr calculated the still-births in 1854 at 3 per cent. If this calculation was correct, and if the number, as stated by Lord Shaftesbury, had risen in three or four years to 10 per cent., some destructive agency must have been at work. I have good reason to believe that facts have recently come to the knowledge of the police, in London, which lead to the suspicion that in certain districts of the metropolis an organised system of fœticide is in operation sheltered by the allegation of still-birth.

It is said that a certain number of female practitioners, when engaged by a pregnant woman to attend her, inquire whether she wishes for a living child, or not, adding that their fee for the delivery of a living child is so much; for one still-born so much more. If an instance of the practice thus indicated were detected, it would, while the maxims of law already referred to continue in force, be impossible to punish the offender, provided she did her work effectually. The means used to prevent live-birth would be applied when the child was not legally alive, and when it could not, therefore, be the subject of murder. It cannot, I think, be doubted that there ought to be a registration of the birth of still-born children. The omission, in the Registration Act, of such a requirement, is another instance of the low estimate, in this country, of the value of fœtal life.

Allusion has already been made to the subject of abortion. Formerly, it was a capital offence to kill a child *en ventre sa mère*. When it became a maxim of law that a child unborn, or only partially

born, is not alive, and cannot therefore be killed, it became necessary to alter the law; and, by an Act passed in the first year of the reign of Her present Majesty, the criminal procuring of abortion was made a statutory offence, and punishable as felony; not, however, with capital punishment, but with transportation for life, or at least for a long period; or with a long term of imprisonment. It has further been decided, that if a child shall be born alive, but shall afterwards die from the effects of the means used to produce its premature birth, or if its death shall be the necessary consequence of its having been born prematurely, and therefore too weak to live, the case shall be viewed as one of murder. So far, perhaps, the enactments of the law sufficiently protect fœtal life. But this must be said with one serious exception. The offence of criminal abortion must, to bring it within the terms of the statute, have been committed by another person upon the woman believed to have been pregnant. It would appear that a woman cannot, under the statute, be tried for abortion-procuring committed on herself. She must, at least, have had an accomplice. It is quite conceivable that the present wide diffusion of scientific knowledge, by means of newspaper reports of criminal trials, may put it into the power of women, so disposed, to procure and administer to themselves abortifacient drugs, or otherwise to attempt, at least, to bring on miscarriage.

I am not aware that the recent proceedings of the Criminal courts have presented any marked failure of justice in cases of this kind. Still, some great criminals have escaped. Some of my readers may remember one instance of the kind tried not long since in Liverpool, in which a woman was fearfully mutilated, in the attempt to produce abortion, and died in consequence.

There can, I fear, be little doubt that the procuring of abortion is fearfully prevalent, and in an immense proportion of instances is undetected. It has recently been asserted, in an American medical periodical, that it is equally prevalent in New York, and as generally escapes detection. There, as here, it is usually practised by men who pretend to the rank of practitioners of medicine. It is to be hoped that they are always pretenders only, and that no legally qualified practitioner would be induced to apply the knowledge, which

has been imparted to him for the preservation of life, to the purpose of destroying it. But, prevalent as the direct and intentional procuring of abortion may be among us, its causation by omission, by the neglect of the precautions which every pregnant woman ought to take, is, it is to be feared, still more frequent; and that too not only among the unmarried, but the married. On this very delicate subject, I prefer, instead of giving my own opinion, to quote that of a gentleman of the highest rank in the obstetric branch of medicine. Writing only a few years since, Dr. Radford, of this city, thus expressed himself. After referring to the frequent procuring of abortion in the lower ranks of society, he says:—"It is a notorious fact that embryonic life is not properly valued by women in other classes of society. Many married women neglect to pay attention to spontaneous abortion. Some lightly and thoughtlessly treat this event, considering it as a 'mishap,' although it is an unnatural process, and frequently attended with disastrous consequences to themselves. In the great majority of these cases, the only circumstance deemed worthy of consideration is the extent of the injury to their own health and constitution. If perfectly assured of a satisfactory termination, they reconcile themselves to a few days of rest, and then resume their former avocations, altogether regardless of their social, moral, and religious responsibility. They never consider that the death of the embryo, not only in one instance, but in successive pregnancies, may be caused, by neglecting to adopt adequate means for its preservation; and that this omission is as criminal as an act of commission." *

My own experience has enabled me to confirm these statements; and I can go further. I have known a married woman, a highly educated, and in other points of view most estimable person, when warned of the risk of miscarriage, from the course of life she was pursuing, to make light of the danger, and even express her hope that such a result might follow. Every practitioner of obstetric medicine must have met with similar instances, and will be prepared to believe that there is some foundation for the stories floating in

* "Obstetric Record," vol. 1, p. 55.

society, of married ladies, whenever they find themselves pregnant, habitually beginning to take exercise, on foot or on horseback, to an extent unused at other times, and thus making themselves abort. The enormous frequency of abortions (amounting, according to one high authority,† to one miscarriage in seven conceptions, and to another,‡ to one in three), cannot be explained by purely natural causes. It makes one almost tremble, to contemplate the mischief which such laxity of principle, on the part of those who ought to be the leaders of society, must produce upon their inferiors and dependents, and especially on the class of female domestic servants.

In some of the foregoing remarks, I have freely expressed my opinion of the share which the members of the legal profession have had in producing the unsound state of public opinion and feeling on the subjects before us. I am prepared to admit that many of the members of my own profession have been, and are, quite as guilty.

I must confess my agreement with the opinion implied by Dr. Radford, in the paper already quoted, that for much of the disregard for fœtal life of which he complains, the members of the medical profession are responsible. The too great readiness of some obstetric practitioners to resort, in difficult cases, to modes of treatment which involve the loss of the life of the child, rather than to those which give it a chance of life, must have re-acted on society at large, and especially the female portion of it. There can be no doubt that the efforts of Dr. Radford to cause greater reverence for life have, of late, rendered child-destroying operations less frequent; but the effects on society of the former modes of practice probably still continue.

There is one other mode in which I regret to say that the influence, and even the direct teaching, of medical men have had, and still continue to have, a powerful effect in the direction in question. Whenever, from any cause, a mother in the middle or higher ranks of society is unable to nurse her child, or the child does not appear to thrive on the nutriment with which she supplies it, it is the almost universal custom to recommend the employment

† Dr. Whitehead. ‡ Dr. Granville.

of a person who shall perform the mother's function,—in other words, to engage a wet-nurse. On the recommendation, and, too often, by the direct exertions of the medical attendant, a woman is found who, for a consideration, is willing to resign to others the care of her own child, and to become a vicarious mother to the child of her wealthy neighbour. The arrangement, in most instances, appears to be most successful. An infant, apparently at the brink of death, speedily becomes healthy and vigorous. The poor mother, almost worn out by her fruitless efforts to perform her duty, soon regains her strength, and the whole family are full of gratitude to the nurse, and, above all, to the doctor.

But there is another side of the picture. What has become of the wet-nurse's own babe? Let us follow its fortunes. In a miserable hovel, situated in a dark entry, in the worst part of some large town, a miserable infant lies on the knees of an old woman, who is cramming into its mouth, with a spoon, food of a kind which its stomach is utterly unable to digest. With the morbid appetite which its condition gives rise to, the child takes the food greedily, and then sinks into a half-torpid slumber, to wake again in an hour or two, screaming with the agonies of indigestion. It is either fed again, or most probably a soothing dose of some narcotic medicine is administered, which produces a much longer interval of torpor. From this the child wakes, unrefreshed, feverish, and thirsty. Its cries are silenced by more food, followed by another dose of physic. The effects of such treatment soon manifest themselves. The child, previously, perhaps, a very embodiment of health and vigour, begins to pine; its limbs waste, and its belly becomes protuberant. Diarrhœa sets in, convulsions follow; and after a longer or shorter period of suffering, it dies, a victim to the unwillingness of the parents of the child which has usurped its place to accept their providential lot.

Plainly and broadly stated, but without exaggeration, this is what is occurring continually around us. How frequently we see an advertisement for a wet-nurse. There is kept, at a certain place in a populous town which I shall not designate by name, a register of wet-nurses. I had, not many days since, an opportunity of examining that register, and found that, in the course

of the last year, two hundred women had signified their readiness to desert their own offspring, for the care of that of others. That register has, to my knowledge, been open for the last twenty years, at least; it may have existed thirty, forty, or fifty years. Let us try to conceive the amount of misery and death which it has occasioned; the numbers of innocent babes who have been tortured into a premature grave. The women are, in an immense proportion of instances, unmarried. They have little or no maternal affection for the child which has caused them only suffering and sorrow, and anxiety for the future. They gladly see it consigned to the care of a stranger, concern themselves little with its welfare, and hear of its death with indifference. Not to dwell on the other evils of this system, is it possible to conceive of a method better calculated to impress the minds of the classes from which wet-nurses are taken with the utter worthlessness of the life of an illegitimate child. The law threatens, although it most rarely inflicts, its severest punishment for the destruction of a child by violence; but public opinion, which they regard far more than the law, sanctions and rewards the abandonment of a child to a fate which, though slower in its accomplishment, is almost equally sure.

Let it not be supposed, from what has now been said, that it is not possible by hand-feeding to succeed in rearing a child. If the child has a tolerably good constitution, it is not usually very difficult; but the ignorance pervading all ranks of society, and especially the lower ranks, as to the proper modes of artificial feeding is so great, that the attempt usually fails. The Coroners' courts furnish us with melancholy, but unmistakeable, evidence on this head. In the course of the years 1859, 1860, and 1861, in the portion of the County of Lancaster which immediately surrounds Manchester, and which includes, beside the suburbs of Manchester, one or two considerable towns, and several large villages, inquests were held on 256 infants, aged one year and under. Of this number, 61 were ascertained to be illegitimate. But, of the remainder, 21 are described as "newly-born: parentage uncertain." It is perfectly fair to conclude that these also were the offspring of vice. Adding these, then, to the 61 ascertained to have been illegitimate, we are led to the conclusion that, of 256

infants on whom inquests were held in the years named, nearly one third were born out of wedlock.

We learn, from the Registrar-General's Report for 1858, that in that year the illegitimate births in Lancashire were 6·9 per cent. Why, then, of the infants dying under suspicious circumstances, in this neighbourhood, is one in every three, instead of one in fourteen, illegitimate? The immense disproportion may, in part, be accounted for by the fact that, of the infants reported to have died suddenly, the Coroners hold inquests on all whose mothers are unmarried, while, in reference to those born in wedlock, they exercise some discretion. Still, making every allowance for the effect of this regulation, can we doubt that, in the excess of the illegitimate, we see the miserable result of the unnatural and immoral system which I wish, with all the force of language, to denounce,—the system which bribes the unwedded mother to desert her own child for the care of another's? These abandoned children are almost invariably dry-nursed. Improper feeding, the too early administration of farinaceous food, and the drugging which that involves, tell most fearfully against infant life, in the first six months of existence; and, as we have seen in the Table on a preceding page, far more than half of those on whom inquests are held perish before attaining their sixth month. The verdict, instead of "death from natural causes," or "convulsions," ought, in many of the instances, to be "poisoned by indigestible food," if not "died from the neglect of the mother."

But granting artificial feeding to be as easy as, without special instructions, it is confessedly difficult, no sane person will pretend that it is equally safe—that it gives the child an equal chance of life. Now I maintain, that no man has the right to diminish, by ever so little, the chances for life of another infant, in order to add to those of his own. It has pleased the Almighty, by the death, or sickness, or feebleness of its mother, to deprive his child of its natural nutriment. Availing himself of all the resources of modern science, which his means may enable him to purchase, he must endeavour, by hand-feeding, to bring up his babe. He must not, if he would escape a fearful amount of responsibility, employ his wealth to purchase that which is the birthright of another child.

I say nothing of the guilt of the mothers who, from indolence or devotion to the pleasures of fashionable society, delegate to another the performance of their most solemn duty. In this neighbourhood I know that such mothers are but few; and I have reason to believe that in the metropolis, and in other abodes of gay society, they are becoming fewer. If, for the mother who cannot nurse her child, there is some excuse if she employs a wet-nurse, there is none for her in whom not the ability, but the will, is wanting.

It is not my purpose to comment upon the many incidental evils of the employment of fallen women as wet-nurses. One, which may be described as an almost direct result, I must dwell upon for a moment. The practice, besides being in itself a form of infanticide, as leading to the almost inevitable death of the nurse's child, leads to the commission of the crime by producing its victims. It is a direct incentive to unchastity. A young woman, whose ill-regulated passions and love of admiration tempt her to yield to the arts of a seducer, might yet be deterred by the fear of shame, or by the prospect of having to support herself and her possible offspring, when little fit for labour. The employment in question removes the ground of both these fears, and raises her to a position which, to her, is one of honour and of luxurious ease. She eats and drinks of the best; she is clothed in the cast-off finery of her mistress, and is her companion, both at home and in her daily drives. Should "dear baby" under her care grow fat and rosy, there is no limit to the gratitude of the family. It is greatly to be feared that any of the buds of moral reformation, which such a life may have produced, will be speedily nipped by the killing frosts of ordinary existence, when, her function performed, she has again to maintain herself by honest industry. Returning, wearied with daily toil, to her ill-furnished dwelling, she will remember the flesh-pots of Egypt; and the thought, how easy it would be again to qualify herself for her lost Elysium, will not fail to present itself.

But, it may be said, she may become the wife of a man of her own station, whose home may be made brighter and more orderly by the training in domestic economy she will have had. I have heard a man, whose judgment in every particular, but this, was

worthy of the highest respect, boast that he had been the means of restoring to a respectable station in society several young women, who, after having been employed in his family as wet-nurses, had left to be married to respectable tradesmen or mechanics. But had he made himself acquainted with the subsequent career of the women, of their sons, *and especially of their daughters?* I confess that, did I feel much interested in the moral and social advancement of any young man, I should not advise him to marry a woman who, after a lapse from virtue, had given no better proof of reformation than that of the satisfactory performance of the duties of a wet-nurse, preceded, let it ever be remembered, by the dereliction of her most sacred duties as a mother. Besides, is it desirable to encourage that laxity of principle among the working classes of society, which makes the loss of virtue to a man her superior in rank, no bar to a young woman's union to a man of her own station? A little more wholesome shame would check the rapidly-increasing corruption of the masses.

And, to return for a moment to the condition of the wet-nurse, what must be the influence on the other female domestics of a family, of such a spectacle of unchastity rewarded,—of vice petted, pampered, and triumphant? But I forbear. I cannot but believe that the fathers, and, above all, the mothers of England, when once the system is presented to them in all its enormity, will cease to sanction it.

There is a mode of the delegation of maternal duties much practised in the southern countries of Europe, although little in use in this country. An infant, which from any cause has lost its natural source of sustenance, is sent into the country to be nursed by the wife of a peasant, along with her own babe. Objections might be made to this practice; but, provided that the foster-mother is sufficiently robust to supply the wants of two infants, and her own does not therefore suffer, they are not of the kind now indicated.*

I have now, I think, sufficiently proved my main proposition, that

* See Appendix B.

the maxims of law, the proceedings of criminal courts, and some customs and practices widely diffused among educated society, furnish ample proofs that there is, among us, far too low an estimate of the sanctity of fœtal and infantile life. That such a tone of feeling must re-act unfavourably on the less educated classes, and become a cause of the prevalence of infanticide, is a conclusion too obvious to be further urged. The space at my disposal will not allow me to dilate on other causes. To one of these, however, a brief reference may be permitted.

We have seen the intimate connection between illegitimacy and infanticide in its various forms, recognised and unrecognised by the law. The victims of this crime will continue to be furnished, until the moral tone of the whole of English society is raised; until the loss of virtue is as disgraceful to a woman of the working classes as to one of the middle and higher ranks; and until unchastity in the male sex is visited by society with far heavier censures than it now is.

To conclude with replying to some objections to what has now been said. It may be asked whether, by at once depriving the unwedded mothers of the employment as wet-nurses, and throwing upon them the burthen of maintaining themselves and their children by honest labour, more of them would not be tempted to the crime of infanticide than now commit it? The obvious reply to this is, that it cannot be right to commit one crime for the prevention of another; to try to prevent a woman from killing her child by violence, by encouraging her to destroy it by a slower, but almost equally sure, process. Let other modes of prevention be tried. The terrors of the law, now practically reduced to nothing, may be increased. Detection and punishment may surely be made, with more certainty, to follow crime. The elevation of the moral tone of society, in reference to the offences in question, combined with the effects of education, will re-act upon its lower grades. And means for the restoration of fallen women to the paths of virtue, more consistent with Christian principle than some of those already alluded to, may surely be discovered. One of these, which would also ensure, as far as possible, the preservation of the lives of the innocents who have

come unbidden into the world, would be the following. In this neighbourhood, at least, young women who, even with the aid of steel hoops, can no longer conceal their pregnancy, and, in consequence, are thrown out of employment, show no reluctance to apply to the Relieving Officer. They are generally sent to the workhouse. Let them always go there. But, once there, let every such woman remain until her child is old enough to be weaned. At present she may, and almost always does, go out at the end of the month, taking with her her infant, of whom no more is heard, until its death is reported to the Registrar of Deaths; or until, if it has died suddenly, without medical assistance, or is found dead in some river, or canal, or ash-pit, it is "sat upon" by the Coroner's Jury.

But it may be said that a workhouse is not a prison; that the master possesses no such powers of detention as are here indicated. A workhouse master, acting under the authority of the Poor-law Board and the Guardians, does already, to some extent, possess such powers. He may detain in the workhouse infants under the age of sixteen, who are either orphans or deserted by their parents. Knowing, as we do, that the almost certain fate of the unhappy babes thus taken out of the workhouse, is to be abandoned or neglected, while their mothers are leading a life of sin, or of careless ease, is it too much to ask of the Poor-law Board, or, if they have not the power, of the legislature, to issue an order that such a procedure shall cease; that illegitimate children shall be retained in the workhouse so long as they require that nourishment which a mother alone can give, the mothers, meanwhile, maintaining themselves there by their own labour? If the workhouse were, what it might be made, a reformatory school, the forced detention, for ten or twelve months, might be a precious moral seed-time, promising rich fruit for time and for eternity.

If this scheme be condemned as Utopian, there is another resource, which is said to have already been successfully tried in France. In one of the southern cities of that country there is, I believe, an institution specially devoted to the reception of the class of women we have been considering, and doing for them and their offspring all

that I have proposed that the workhouse shall do. Cannot we, when times mend, get up something of the kind in this neighbourhood?

In the preceding remarks, I have, with very reluctant hand, lifted the veil which pardonable delicacy has hitherto drawn over some moral evils which are eating deeply into the heart of society. I have, in so doing, been influenced by an overpowering sense of duty, arising from the conviction that, as medical men have done much, perhaps the most, to produce the laxity of principle asserted to exist, they ought to be foremost in endeavouring to remove it. To be removed, it must first be exposed.

Having for some time, as a practitioner and a teacher of medicine, laboured to bring about a more healthy tone of feeling, I have thought it right to endeavour to inculcate, on a wider audience, the facts that life, and, above all, the life of an immortal being, is the most precious work of God; that the destruction of it, either by design or by wilful neglect, at however early a moment of its existence, is one of the greatest crimes of which man can be guilty; and that he who, by purchasing from a woman that which is not her's to sell, thereby causes the death of her child, is, jointly with her, guilty of that crime.

In the opinions expressed on the subject of wet-nursing, I do not stand alone. Some of the heads of my own branch of medicine, among whom I would specially name Dr. Charles West and Dr. Routh, have expressed similar sentiments. But my own enlightenment I owe mainly to a respected member of this Society, Mr. Roberton, who, in his little work on "The Mortality of Children," exposed, many years since, the manifold evils of the system.

APPENDIX.

A.—(See p. 4).

The Israelites were honourably distinguished in this respect from the Pagan nations of antiquity. The Mosaic code contains no enactment on the subject, because it was not needed. "Abortion and infanticide," says Milman (History of the Jews), "were not specially forbidden, but unknown, among the Jews. Josephus, appealing in honest pride to the practice of his countrymen, reproaches other nations with these cruelties." This absence of such crimes has been usually ascribed to the desire of the Jews for progeny, because each cherished the hope that he might be a progenitor of the Messiah. May we not attribute it to a wider cause,—to a cause operating on the Semitic and Hamitic races generally? When the nations who dwelt around the Holy Land offered their children in sacrifice, they did it, not because they did not love their offspring, but because they would not insult their gods by offerings which cost them nothing.

They thus shewed that they regarded their children as their most cherished possessions. So, when the Jews became idolaters, they also made "their sons and their daughters to pass through the fire to Molech."—*See Beck's "Medical Jurisprudence," 7th edition, pp. 225, et seq.*

B.—(See p. 21).

An interesting and instructive chapter, in the history of human progress, might be written on the various modes of the vicarious performance of the maternal function, employed by different nations in ancient and modern times. Those who have most studied the subject will be the most ready to admit, that the influence—psychical as well as physical—of a nurse, on the child she suckles, is great and lasting; and that the general delegation, by the mothers of the middle and higher classes, of their maternal duties to women of a lower moral and intellectual grade, must tell heavily on the progress of a nation. For this reason, I have read with great regret some remarks made by a female member of the English aristocracy, in a work which has been deservedly popular. Lady Llanover, the editress of the "Life and Correspondence of Mrs. Delany," (p. 8, vol. 2, second series, note), ridicules "the violent outcry of the present day against wet-nurses," and "the *sentiment* of this century, among the higher classes, that every mother (be her health or avocations what they may) ought to nurse her own child."

Her ladyship goes much beyond the prevalent opinion when she says that "health" and "avocations" are not allowed to be grounds of excuse. No medical man would advise a very delicate or a diseased mother to incur the danger of fatally injuring her own health, or that of her child, in the effort to nurse it; and we all admit that "avocations," as in the case of a Queen Regnant, may give immunity from this obligation. It may be a question, however, whether the "avocations" of a leader in fashionable society furnish equally good grounds of exemption. I hope that Lady Llanover as much exaggerates the extent to which the mothers in the higher classes neglect their duties to their babes, as she certainly exaggerates the difficulties of the performance of those duties. It is *not* necessary that a gentlewoman who wishes to nurse her child, should "go to bed at nine, rise with the sun, and walk about with it the whole day." Nor is it necessary that, during the whole period of nursing, artificial food should be altogether abstained from. Judiciously compounded, it may very early be administered along with the natural food.

Her ladyship recommends that the children of the aristocracy shall be put out to nurse to "*respectable*" peasants, who shall transfer their children to others in their own rank of life, equal to the task of supplying nutriment for two infants. It is much to be feared that, however the apparent responsibility may thus be shifted from shoulder to shoulder, at the end of the series we should find an infant famished for the want of its *own* food; or that, at the second or third remove, we should come upon a fallen woman enjoying the wages of iniquity.

But if we close our eyes to these results, there remains the objection that the milk of a peasant, however respectable in her station, is not the same thing with that of a highly-bred and refined gentlewoman,—not to speak of the loss of the education of the nursery, which commences at least in the first year of life. For all these reasons, I cannot but believe that my readers will join with me in hoping that the "sentiment" at which Lady Llanover has permitted herself to sneer, will gather strength, until every English matron, however high her station, shall esteem it her most sacred duty, as well as her most precious privilege, if her health permit it, to nurse her own babe.

While these pages have been passing through the press, my attention has been called by the Coroners both for the city and county, to a practice too common, they say, among medical men, of giving a certificate of the cause of the death of a person whom they have either never attended, or not recently seen. It is obvious that this very lax procedure may furnish a cloak for the concealment of the murder of an adult or an infant. No practitioner ought to give a certificate unless he has seen the deceased so recently as to remove all possible ground of doubt as to the cause of death.